

FORM A

COMPETENCY CHECKLIST

- _____ Competency issue raised.
- _____ Preliminary hearing scheduled to determine if defendant should be evaluated.
- _____ Court finds a bona fide and legitimate doubt about defendant's competence to stand trial. Evidentiary hearing ordered.
- _____ Order of referral for pre-evidentiary psychiatric evaluation:

_____ **DEFENDANT INCARCERATED:** Court orders referral at either:

_____ The Department of Corrections, Division of Medical and Forensic Services. Check first box on Form B and issue Transport Order Form D;

OR

_____ At a private mental health facility. Check first box on Form C and issue Transport Order Form D;

A COPY OF THIS ORDER SHALL BE FORWARDED TO THE DEFENDANT, THE DEFENDANT'S ATTORNEY, THE PROSECUTING ATTORNEY, THE HOUSE OF CORRECTIONS (OR OTHER PLACE OF DETENTION) AND THE EVALUATING AGENCY.

OR

_____ **DEFENDANT RELEASED ON BAIL:** Court orders referral at either:

_____ The Department of Corrections Division of Medical and Forensic Services. Check second box on Form B;

OR

_____ A private mental health facility. Check second box on form C;

A COPY OF THIS ORDER SHALL BE SENT TO THE DEFENDANT, THE PROSECUTING ATTORNEY, THE EVALUATING AGENCY AND THE DEPARTMENT OF CORRECTIONS, DIVISION OF FIELD SERVICES, BOX 769, CONCORD, NH 03302.

_____ Received written statement of factual background of incident and defendant's criminal record from the prosecutor.

_____ Received written statement of factual background of incident from defendant.

_____ Written report of psychiatric evaluation received.

_____ Competency hearing scheduled.

_____ Evidentiary hearing on competence.

_____ Post hearing determination:

_____ Defendant Competent

OR

_____ Insufficient evidence to determine competency. Case continued for further hearing.

OR

_____ Defendant incompetent to stand trial at this time, but may be made competent within a reasonable period of time.
Review date: _____ .

OR

_____ Defendant incompetent to stand trial. Hold up to 90 days to determine appropriateness of civil commitment after conducting a hearing to determine dangerousness to self or others and finding the defendant dangerous. Issue order for referral (Form E), for psychiatric evaluation to determine which involuntary civil commitment appropriate.

OR

_____ Defendant incompetent to stand trial. Hold up to 90 days to determine appropriateness of civil commitment after finding that the defendant has been charged with a felony involving serious bodily harm or the use of a deadly weapon, or with aggravated felonious use of a deadly weapon, or with aggravated felonious sexual assault, or with arson **and** probable cause exists that the defendant meets the criteria for commitment under RSA 171-B:2.

FORM B

THE STATE OF NEW HAMPSHIRE

_____, **SS.** _____ **DISTRICT COURT**
#

THE STATE OF NEW HAMPSHIRE

V.

ORDER FOR REFERRAL

It has been suggested to the Court that the defendant is not competent to stand trial. The defendant is referred to the Department of Corrections, Division of Medical and Forensic Services for an evaluation under the standards for competency as set out in State v. Champagne, 127 N.H. 266 (1985); State v. Gagne, 129 N.H. 93 (1986), and Dusky v. United States, 362 U.S. 402 (1960). The Director of the Division of Medical Forensic Services shall file a report of his findings with the Court.

- () The defendant being incarcerated at the Merrimack County House of Corrections, the Administrator shall immediately contact the Director of the Division of Medical Forensic Services at 271-1843 (FAX 271-1836), P.O. Box 2828, Concord, NH 03302 for instructions as to the time, date and place where said evaluation will be accomplished.
- () The defendant being on bail, it shall be a condition of bail that s/he or her/his counsel shall immediately contact the Director of the Division of Medical Forensic Services at 271-1843 (FAX 271-1836), P.O. Box 2828, Concord, N.H. 03302 for instructions as to the time, date and place where said evaluation will be accomplished. Counsel will cooperate and provide such information as appropriate to facilitate the evaluation process.

Dated: _____
Presiding Justice

A COPY OF THIS ORDER SHALL BE FURNISHED TO THE DEFENDANT, DEFENDANT'S COUNSEL, THE STATE, THE ADMINISTRATOR OF THE COUNTY HOUSE OF CORRECTIONS (IF THE DEFENDANT IS IN CUSTODY) AND THE DIRECTOR OF THE DIVISION OF MEDICAL FORENSIC SERVICES.

FORM C

THE STATE OF NEW HAMPSHIRE

_____, SS. _____ **DISTRICT COURT**
#

THE STATE OF NEW HAMPSHIRE

V.

**ORDER FOR REFERRAL
(PRIVATE EVALUATION)**

It has been suggested to the Court that the defendant is not competent to stand trial. The defendant is referred to for an evaluation under the standards for competency as set out in State v. Champagne, 127 N.H. 266 (1985); State v. Gagne, 129 N.H. 93 (1986), and Dusky v. United States, 362 U.S. 402 (1960). The personnel evaluating the defendant shall file a report of findings with the Court.

- () The defendant being incarcerated at the Merrimack County House of Corrections, the Administrator shall immediately contact _____ for instructions as to the time, date and place where said evaluation will be accomplished.
- () The defendant being on bail, it shall be a condition of bail that s/he or her/his counsel shall immediately contact _____ for instructions as to the time, date and place where said evaluation will be accomplished.
- () Defense counsel/county jail administrator shall notify the Court of the date, time and place of the evaluation.
- () The evaluating mental health provider shall notify the court of the estimated date of completion of the evaluation upon receipt of this order for referral.

Dated: _____

Presiding Justice

A COPY OF THIS ORDER SHALL BE FURNISHED TO THE DEFENDANT, DEFENDANT'S COUNSEL, THE PROSECUTING ATTORNEY, THE ADMINISTRATOR OF THE COUNTY HOUSE OF CORRECTIONS (IF THE DEFENDANT IS IN CUSTODY), THE DIRECTOR OF THE DIVISION OF MEDICAL FORENSIC SERVICES, OR EVALUATING MENTAL HEALTH PROVIDER.

FORM D

THE STATE OF NEW HAMPSHIRE

_____, SS. _____ **DISTRICT COURT**

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THE STATE OF NEW HAMPSHIRE

V.

TRANSPORT ORDER

The Sheriff's Department of _____
County is hereby ordered to transport _____ from
the _____ County House of
Corrections to _____ on the time and
date designated by the Administrator of the House of Corrections and every day
thereafter as may be required for their attendance at a psychiatric evaluation in
reference to the above-captioned matter.

Dated:

Presiding Justice

**A COPY OF THIS ORDER SHALL BE FORWARDED TO THE OFFICE OF THE
SHERIFF, THE HOUSE OF CORRECTIONS, THE DEFENDANT, DEFENDANT'S
COUNSEL, AND THE PROSECUTING ATTORNEY.**

FORM E

THE STATE OF NEW HAMPSHIRE

_____, **SS.** _____ **DISTRICT COURT**
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THE STATE OF NEW HAMPSHIRE

V.

ORDER FOR REFERRAL FOR EVALUATION FOR COMMITMENT

The defendant has been found incompetent to stand trial. Pursuant to RSA 135:17-a, I, the Court has conducted a further hearing and finds the defendant to be dangerous to self or others. Accordingly, the Court shall conduct a status hearing on _____ (date within 10 calendar days of order) at which the county attorney shall notify the Court whether civil commitment proceedings will be commenced in the _____ Probate Court. Pending said hearing, the defendant shall be held at the _____ County House of Corrections. Further, pursuant to RSA 135:17-a, I, the defendant is hereby referred to the Department of Corrections, Division of Medical and Forensic Services, or such other mental health provider designated by the State, for an evaluation to determine appropriateness for involuntary admission. A report of the evaluation shall be filed with the Court no later than _____ .

Dated: _____

Presiding Justice

A COPY OF THIS ORDER SHALL BE FURNISHED TO THE DEFENDANT, DIRECTOR OF THE DIVISION OF MEDICAL FORENSIC SERVICES AND THE PROSECUTING ATTORNEY.

DEPARTMENT OF CORRECTIONS

DIVISION OF MEDICAL AND FORENSIC SERVICES

P.O. Box 2828

CONCORD, N.H. 03302-2828

(603) 271-1843

Fax (603) 271-1836

STEPHEN MERRILL
GOVERNOR

PAUL E. BRODEUR
COMMISSIONER

NATHAN T. SIDLEY M.D.
MEDICAL DIRECTOR

JOSEPH PANARELLO
ADMINISTRATIVE DIRECTOR

FORM F

October 28, 1996

Re:

Dear Attorney

We have received a court order for a competency evaluation from the _____ Court regarding the above-named individual. We would appreciate your forwarding information you may have pertaining to the above named individual. We request specifically the following:

Police reports and copies of charges pertinent to the offense charged

Copies of the motions filed requesting an evaluation.

Information regarding the observations made which led to the request for evaluation (Novosel v Helgemoe, 118 NH 115).

Statements from witnesses or other interested parties.

Any other information pertinent to a psychiatric evaluation (i.e. medical records, psychiatric testing, etc.).

This information is necessary to complete our evaluation. Thank you for your cooperation in this matter.

Sincerely;

Joseph Panarello
Administrative Director

JP/ps